Calendar No. 385

100TH CONGRESS
1st Session

SENATE

REPORT
100-210

CHILD ABUSE PREVENTION AND TREATMENT ACT REAUTHORIZATION OF 1987

OCTOBER 28 (legislative day, OCTOBER 16), 1987.—Ordered to be printed

Mr. KENNEDY, from the Committee on Labor and Human Resources, submitted the following

REPORT

[To accompany S. 1663]

The Committee on Labor and Human Resources, to which was referred the bill (S. 1663) to reauthorize the Child Abuse Prevention and Treatment Act and other related Acts dealing with adoption opportunities and family violence, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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I. SUMMARY OF THE BILL

A. CHILD ABUSE (TITLE I)

On August 7, 1987, a bill to reauthorize the Child Abuse Prevention and Treatment, Adoption Opportunities and Family Violence Prevention and Services programs, S. 1663, was introduced by Senators Dodd, Thurmond, Harkin, Matsunaga, Simon, Pell and Durenberger. The bill was referred to the Committee on Labor and Human Resources. Subsequently, it was referred by the Chairman

S543-21

of the Labor Committee to the Subcommittee on Children, Family, Drugs and Alcoholism.

A series of changes were made in the Child Abuse Prevention and Treatment program designed to strengthen the program's priorities and administration, expand the knowledge base in the field of child abuse and neglect, and establish a Presidential Commission on Child and Youth Deaths. The bulk of the changes are in the area of strengthening program priorities and administration. These changes reflect issues and problems brought to light by experts in the field of child abuse prevention and treatment. Specifically, new focuses were added for demonstration grants to further the prevention of abuse and neglect among children of alcoholics and to build on prevention efforts through the use of home health visitors and parent-self help programs. Overall prevention activities were also strengthened by amending the demonstration grant authority to assure that a "majority share" of assistance for discretionary research and demonstration grants is available for projects related to prevention.

There is currently a crisis facing the child abuse prevention and treatment field. It is due to a decade of continuing rises in reports of abuse and neglect and a subsequent shortage of trained staff to handle these reports because of burnout and high staff turnover rates. For these reasons, some provisions were added to this Act to attract more qualified staff to this field and to its leadership. These provisions include a requirement that the Director and other professional staff of the National Center on Child Abuse and Neglect have experience in the field of child abuse and neglect prevention and treatment. Further, membership of the Advisory Board of Child Abuse and Neglect must include a majority and not less than 15 members with expertise in a range of interdisciplinary fields, including medicine, law, parent self-help, and volunteer activities. The Advisory Board is to advise the Director of the National Center on determining the Center's short and long term plans. Finally, training of staff in this area was broadened to mandate an interdisciplinary focus.

Due to the progress made in most States in implementing the 1984 child abuse amendments requiring them to establish programs and procedures for reporting medical neglect, the deadline for putting these systems in place is being repealed. For those few states needing additional time to come into compliance with these requirements, a waiver has been included through the end of FY 1988, if the Secretary makes a finding that the State is making a good-faith effort to come into compliance.

In the area of expanding the knowledge base in the field, one of the most fundamental and glaring problems is the need for a national data collection system on reports of child abuse and neglect. A provision has been added to establish such a system, and the Director of the National Center must submit an annual summary of this data to Congress. To advance our knowledge of effective prevention and treatment methods, the Director is being authorized to fund longitudinal research projects for a total of 5 years, rather than the 3 years previously allowed. In order to assure that information on successful models for prevention and treatment are readily available throughout the country, the Secretary is mandat-

ed to continue the resource centers and required to ensure that a share of the demonstration grant allocation is made available to fund the centers.

At the request of several experts in various disciplines, provisions have been included requiring the Director of the National Center to conduct two new studies. The first study is to examine how individual child legal representations in cases of child abuse and neglect have been provided in each State. This study should also include examination of the effectiveness of legal representation of children in cases of abuse or neglect through the use of guardian-ad-litem and court appointed special advocates.

The second study is aimed at determining the incidence of child abuse among children with handicaps, including children in out-of-home placements, the relationship between child abuse and children's handicapping conditions, and the incidence of children who have developed handicapping conditions as a result of child abuse and neglect. For both studies, the Director shall report the findings to Congress not later than 2 years after the date of enactment of this bill.

Another new provision in this bill is the establishment of a Presidential Commission on Child and Youth Deaths. This Commission was established in the face of an alarming increase in the number of children killed as a result of child abuse and neglect—a jump of 29 percent between 1985–1986—and in the face of the trends relating to all other forms of child and youth deaths. For example, infant deaths associated with poor maternal and child health care in many of our nation's inner cities are as high as those in some of the poorest developing countries, ranking the U.S. at the bottom of industrialized countries in infant mortality rates. The teenage suicide rate has begun to increase dramatically. Injuries remain the single biggest killer of children after the first year of life.

The Commission will be composed of 15 members, representing the relevant disciplines at the Federal, State and local levels. The Commission is charged with examining Federal, State and local public and private resources which affect the reporting of child and youth deaths, including an evaluation of the adequacy and effectiveness of programs designed to prevent or identify child and youth deaths. Additionally, an evaluation must be conducted of the effectiveness of current Federal, State and local policies and systems aimed at appropriately identifying and collecting accurate, uniform data on child and youth deaths in a coordinated fashion. An evaluation of the adequacy of current Federal, State, and local efforts to enable an appropriate distribution of properly trained interdisciplinary staffs to prevent and identify child abuse and neglect must also be conducted. And barriers to the prevention of child and youth deaths, including resource and interagency barriers, are to be identified.

The Commission is to make recommendations related to a national policy designed to reduce and prevent child and youth deaths; specific changes needed within Federal laws and programs to achieve an effective federal role in preventing child and youth deaths; and specific changes needed to improve national data collection with respect to child and youth deaths. Within 12 months after the date of enactment of this bill, the Commission is to pre-

pare and transmit to the President and Congress a report describing the activities of the Commission and containing information gathered and the evaluations and recommendations required in this bill.

B. ADOPTION OPPORTUNITIES (TITLE II)

Three changes were made in the adoption opportunities program to address the major problems that exist in the adoption community. First, minority children in foster care who are legally free for adoption wait disproportionately longer than most other special needs children for adoptive placements. Thus, a new demonstration grant priority has been added to increase the numbers of minority children (who are in foster care and legally free for adoption) in adoptive families, with a special emphasis on the recruitment of minority families.

Second, adoptive families are increasingly turning to various social services agencies after the legalization of their adoption to help them develop the capacity to respond to the evolving needs of their adopted child(ren). The demand for these services—"post-legal adoption services"—has increased as agencies have arranged for the adoption of growing numbers of special needs children. These children often require special care because they have been in out-of-home placements for a number of years or have physical or mental handicaps. To meet this growing need, the bill adds a new demonstration grant priority to fund post-legal adoption services for families who have adopted special needs children.

Finally, to further strengthen overall efforts by adoptions agencies to secure permanent adoptive homes for special needs children in foster care who are legally free for adoption, a new incentive grants section has been added to increase adoptive placements for these children. Through this section, the Secretary of HHS is authorized to make bonus payments to States which demonstrate increased rates of adoptive placements for these children. Payments under this section during any fiscal year cannot exceed $1,000,000; and no payment may be made under this section unless an amount in excess of $5,000,000 is appropriated for such fiscal year for this program.

C. FAMILY VIOLENCE (TITLE III)

One change has been made in the Family Violence Prevention and Services program. This change eliminates the original requirement that no shelter could receive grants for more than three years. Elimination of this requirement was deemed appropriate in light of the fact that this is the third year of funding for shelters currently receiving these funds. In some States there are no additional shelters to receive these funds.

II. Background and Need for Legislation

A. CHILD ABUSE

The first Federal programs specifically designed to address concerns regarding child abuse and neglect in this country were authorized under the Child Abuse Prevention and Treatment Act

(Public Law 93-247), enacted in 1974. This legislation provided Federal financial assistance for identifying, preventing, and treating child abuse and neglect. The Act has since been extended through fiscal year 1987 and has been amended to expand the scope of activities and to authorize the adoption opportunities programs and family violence prevention and service activities.

The original Child Abuse Act authorized the creation of a National Center on Child Abuse and Neglect to help establish the parameters of the problem and to provide incentives for developing effective methods of treatment. The Act also authorized demonstration grants and a State grant program for activities relating to preventing and treating child abuse and neglect. To be eligible for funding under the State grant program, States were required to establish systems for reporting child abuse and neglect, for investigating such reports and provide for the immunity from prosecution for persons so reporting.

In 1978, the Act was amended by Public Law 95-266, which extended the programs under the Act through fiscal year 1981 and, among other things, expended the Center's grant making authority. It also required the establishment of research priorities, and earmarked funds for the prevention and treatment of child sexual abuse. In response to concerns that Federal assistance was needed to help facilitate the adoption of children who would benefit from adoption, particularly those whose placement was constrained by being of school age or handicapped, the 1978 amendments also authorized through fiscal year 1981 a new adoption opportunities program to help eliminate barriers to adoption.

In 1981, the child abuse prevention and treatment programs and the adoption opportunities program were extended through fiscal year 1983 under the Omnibus Budget Reconciliation Act (Public Law 97-35); and in 1984, the programs were extended through fiscal year 1987 under amendments to the Child Abuse Act (Public Law 98-457). The 1984 amendments expanded the Center's responsibilities to include additional studies; required, as an additional criterion for eligibility for the State grant program, that States implement systems for responding to reports of medical neglect; and authorized a new State grant program and other assistance to help States develop and run systems for responding to incidents of medical neglect, including withholding of medically-indicated treatment from disabled infants with life-threatening conditions. The 1984 amendments also authorized a new State demonstration program in the area of family violence prevention and services.

In 1986, the Child Abuse Act was amended by provisions of the Children's Justice and Assistance Act (Public Law 99-401), which established a new State grant program under this Act for improving the administrative and judicial handling of child abuse cases, especially those involving child sexual abuse. Funding for this program comes from fines collected from persons convicted of certain Federal offenses.

Child abuse and neglect have received increased media attention in recent years and policy makers and the public have expressed concern about the growing number of reported incidents and the severity of the same. National data on the reported incidents of child abuse and neglect collected by the American Humane Asso-

ciation since 1976 indicate that the number and rate per 1,000 children have been steadily increasing: in 1976, 669,000 incidents were reported, representing a rate of 10/1,000 children; in 1984, 1.7 million incidents were reported, representing a rate of 27/1,000 children. Due to the difficulties of substantiating cases, not all the reports are substantiated. In a majority (55 percent) of the reported child abuse incidents in 1984, the children were deprived of such necessities as food, clothing, shelter, or medical care. These cases are typically defined as neglect. However, in nearly one-fifth (18 percent) of the cases, the children suffered minor physical injuries; and in 13 percent of the cases, the children suffered sexual maltreatment.

Data from a 1985 national random sample survey by Richard Gelles and Murray Straus in conjunction with Louis Harris and Associates found that an estimated 1.5 million children in two-parent families were subjected to very severe violence in 1985. The concerns about the growing incidence and severity of child abuse have been increased by research that suggests that the reported incidents are only the tip of the iceberg—that only about one-third to one-fifth of all child abuse cases are ever reported. The statistics on the number of cases of child abuse reported nationally are disturbing, but they should not mask the effects on the individual children involved: each instance of child abuse threatens the normal development of the child.

While the Child Abuse Act has provided for the collection of national data to give some indication of the incidence and nature of reports of child abuse and neglect, we still lack comprehensive data on the incidence, nature and circumstances of child abuse. For example, concerns have been brought to the Committee's attention regarding the lack of data on abuse-related fatalities. We need to know more about children who die as a result of being abused. We also need to know more about how public policies affect child and youth deaths in general.

The Committee was urged to look more closely at the effectiveness of the legal representation provided children in child abuse cases, as required under the Act. There is no comprehensive national data showing the form and effectiveness of legal representation provided in these cases, and little is known about how States are meeting their obligations in this area. Also, concerns were expressed regarding the incidence of child abuse among handicapped children. Research has indicated that children with disabilities are disproportionately represented in the population of abused children (Chotiner and Lehr, 1976; Friedrick and Boreskine, 1976; National Center on Child Abuse and Neglect, 1975; Sandgrund, et al., 1974). Other isolated studies have shown a relationship between child abuse, mental retardation, emotional, behavioral and physical disabilities.

Despite these findings, it is difficult to determine accurately the incidence of abuse among children with disabilities because of the lack of specificity in state reporting requirements. A 1982 study by Camblin found that 7 out of 51 state child protection agencies do not have standard reporting forms which would facilitate data collection on child characteristics. Of the 44 states which do have standard reporting forms, 18 do not identify pre-existing handicaps

of abused children. Further, in those states requiring this information, 43 percent of the state agencies regarded the information as inaccurate.

Through research funded under the child abuse discretionary grant program, significant progress has been made in identifying some of the links between socio-economic variables and abuse. However, we need more quality research to isolate causal factors and to develop and test prevention strategies. Greater emphasis should be placed on formulating effective prevention techniques to assist children and their families before abuse occurs. At the same time, we need to continue funding quality research to identify and test successful intervention and rehabilitation strategies for those instances when prevention fails. Experience with these demonstration projects has shown, in addition, that research and demonstration grant periods should not be arbitrarily time-limited. Rather, there should be flexibility to allow for extensions when it is appropriate and necessary to allow completion of in-depth studies.

B. ADOPTION OPPORTUNITIES

In response to concerns that Federal assistance was needed to help facilitate the adoption of children who would benefit from adoption, particularly those whose placement was constrained by age or disability, the 1978 amendments to the Child Abuse Prevention and Treatment program also authorized through fiscal year 1981 a new adoption opportunities program to help eliminate barriers to adoption (Public Law 95-266). In 1981, this program was extended through fiscal year 1983 under the Omnibus Budget Reconciliation Act (Public Law 97-35); and in 1984, the program was extended through fiscal year 1987 under amendments to the Child Abuse Act (Public Law 98-457).

The Adoption Opportunities program provides funding to facilitate the adoption of children who remain in out-of-home care because of barriers to their adoption. Activities authorized under this program include providing for the collection and dissemination of information on adoptions; coordinating Federal, State, and local efforts in the area of adoption; and carrying out various other discretionary activities aimed at reducing the barriers to adoption.

It is generally agreed that children should not remain in out-of-home care for longer than necessary when other, more permanent, living arrangements can be made. Children who are of racial minorities, who have physical or mental handicaps, or who are of school age have been found to spend the longest periods of time in substitute care.

These children, moreover, constitute a disproportionate percentage of children in substitute care.

According to data from States participating in the Voluntary Cooperative Information System (VCIS), more than half of the children who were free for adoption were of racial or ethnic minorities. The majority of children whose adoptions were finalized that year were white (64 percent), compared to 19 percent who were black, 6 percent who were Hispanic, and 10 percent who were from other categories.

It is argued that there are families willing to accept these special needs children, but not enough of these families are being recruited. Some maintain that adoption agencies should be more aggressive in their recruitment efforts, especially in minority communities. Moreover, experience has shown that targeted public awareness campaigns can be a very effective method of recruiting adoptive families for special needs children. Thus, the Committee has been urged to place additional emphasis on successful assessment and processing strategies to prevent prospective adoptive families from "dropping out" of the process and to increase the placement of these children in permanent families.

Children who are older and who have been in out-of-home placement for a number of years, and those who have physical or mental handicaps or who face other barriers to being placed in adoptive homes, are often in need of special care in order to make a positive adjustment with their adoptive families. Likewise, families adopting such children often feel initially overwhelmed with trying to cope with the changes the new child brings to the family. Both the newly-adopted children and their families may have a need for assistance to handle the problems that arise in making this adjustment. However, such services—post-legal adoption services—frequently are not available. Working within limited budgets and having limited access to information on successful intervention techniques for these cases, many agencies often focus their resources on making the initial placement. Once the adoption is finalized, families are left to muddle through on their own. Sometimes, the placements fail simply because of the lack of support services that could help the family to make the necessary adjustments. There is a great need for more post-legal adoption services program to help families in these circumstances.

C. FAMILY VIOLENCE

After more than a decade of mounting public support for local and State services aimed at the prevention of and services for spousal abuse, the Federal response came in the form of the 1984 amendments to the Child Abuse Act to establish the Family Violence Prevention and Services program (Public Law 98-457). These amendments authorized a demonstration grant program for States and Indian tribes, a national information and research clearinghouse, and law enforcement training and technical assistance grants for personnel involved in responding to incidents of family violence. The State demonstration grant program provides matching grants, based on each State's population compared to the population in all States, with a minimum amount allotted to each State. Annually, up to $2 million of the funds appropriated for this program are to be transferred to the Attorney General for the grants for law enforcement training and technical assistance activities.

It is estimated that about 1.8 million women are beaten each year in the U.S. in their own homes. As with most social ills, family violence knows no social or economic boundaries—police in Norwalk, Connecticut, receive the same number of spousal abuse calls as they do in Harlem, New York. Men commit 95 percent of all assaults on spouses, but we also know that 73 percent of such

males were themselves abused as children. Thus a significant number of their children may be at risk of committing spousal abuse, as it is estimated that about 40 percent of the children of victims of spousal abuse are also abused.

III. Hearings

A. CHILD ABUSE

A hearing was held by the Subcommittee on Children, Family, Drugs and Alcoholism, of the Committee on Labor and Human Resources, on April 1, 1987. The primary issues raised by the witnesses included: (a) the dramatic rise in child deaths as a result of child abuse and neglect; (b) the continuing rise in reports of abuse and neglect over the last decade; (c) the significant accomplishments achieved through this Act; (d) the impact on the child welfare system of Federal cutbacks in resources to assist in investigating reports of abuse and neglect during the early to mid 1980s; (e) the dearth of information on the special abuse risks faced by children with disabilities, as well as the risk of permanent disabilities stemming from abuse; (f) the continuing need for a national data collection system on child abuse and neglect; and (g) testimony from the Department of Health and Human Services on activities carried out under this Act as well as their recommendations for strengthening the Act.

Witnesses

Ms. Linda Hull, Formerly Abused Children Emerging in Society (FACES) Wethersfield, Connecticut; Ms. Cloe Madanes, Co-Director, The Family Therapy Institute of Washington, Rockville, Maryland; Dr. Anne Cohn, Executive Director, National Committee for the Prevention of Child Abuse, Chicago, Illinois; Ms. Shirley Fitz-Ritson, Director, Division of Child Protective and Preventive Services, State Department of Social Services, Columbia, South Carolina; Dr. Larry Aber, Assistant Professor, Department of Psychology, Director of the Center for Toddler Development, Barnard College, New York, New York; Dr. Jay Whitworth, Medical Director, State Child Protective Services Team, American Academy of Pediatrics Task Force on Child Abuse, Tallahassee, Florida; Mr. Jim Hollihan, Director of Program Services, United Cerebral Palsy Association, Consortium for Citizens with Development Disabilities, Washington, DC; Dr. Jean Elder, Assistant Secretary Designate, Office of Human Development Services, U.S. Department of Health and Human Services, Washington, DC.

B. ADOPTION OPPORTUNITIES

A hearing was held by the Subcommittee on Children, Family, Drugs and Alcoholism, of the Committee on Labor and Human Resources, on May 21, 1987. The primary issues raised by witnesses at the hearing included: the disproportionate numbers of minority children in foster care who are legally free and waiting for adoptive families; the increasing demand by adoptive families for post-legal adoption services; the need for training on successful models spanning the continuum of agency practices in securing permanent

...es for special needs children; and testimony from the Department of Health and Human Services on their activities authorized under this program.

Witnesses

Ms. Aileen Garriott, Assistant Executive Director for Program, Catholic Charities/Catholic Family Services, Hartford, Connecticut; Mr. Robert Woodson, President, National Center for Neighborhood Enterprise, Washington, DC; Ms. Mai Bell Hurley, President, Board of Directors, Child Welfare League of America, Chattanooga, Tennessee; Dr. Jean Elder, Assistant Secretary Designate, Office of Human Development Services, U.S. Department of Health and Human Services, Washington, DC.

C. FAMILY VIOLENCE

A hearing was held by the Subcommittee on Children, Family, Drugs and Alcoholism, of the Committee on Labor and Human Resources, on May 21, 1987. The primary issues raised by witnesses at the hearing were the continuing demand for shelter services which far exceeds the supply; the benefits this program has produced, both from a formerly abused woman's point of view as well as from the perspective of shelter providers; and testimony from the Department of Health and Human Services on the reasons for their delay in issuing grant awards under this program and their rationale for not requesting future funding.

Witnesses

Ms. Patricia Price, Iowa Children and Family Services, Des Moines, Iowa; Ms. Anne Menard, Executive Director, Connecticut Coalition Against Domestic Violence, Hartford, Connecticut; Ms. Elise Mullins Evans, Board President, Sister Care Shelter, Columbia, South Carolina; Ms. Cynthia Grove, Board Member, Association of Junior Leagues, New York, New York; Dr. Jean Elder, Assistant Secretary Designate, Office of Human Development Services, U.S. Department of Health and Human Services, Washington, DC.

IV. COMMITTEE VIEWS

A. CHILD ABUSE

The Committee intends to strengthen the leadership role of the National Center on Child Abuse and Neglect by making a number of administrative changes. First, the Secretary is directed to ensure that both the Director of the National Center and its professional staff have experience and expertise in the field of prevention and treatment child abuse and neglect. Second, the Advisory Board of the National Center is to play a key role in advising the Director of the National Center on proposed research studies and long-range planning. In order to do so effectively, the Committee has recognized that the membership of this Advisory Board must include members with expertise in either research or services for the prevention and treatment of child abuse, including representatives from social services, legal, medical, parent self-help, and voluntary

organizations and those organizations serving adolescents. Third, the Committee acknowledges the importance of public comments by requiring the Director of the National Center to establish and publish research and demonstration priorities 60 days before finalizing such priorities. And fourth, the Committee requires the National Center to establish a national data collection system for the reporting of child abuse and neglect. Given the concerns expressed about the lack of reliable national statistics, such a system is to include standardized data on false, and unfounded or unsubstantiated reports and on the number of deaths caused by child abuse and neglect nationwide.

Recognizing the crisis posed by reports of recent increases in deaths related to child abuse, the Committee intends immediate action be taken through the establishment of a Presidential Commission on Child and Youth Deaths. The Committee further intends the Commission have a broad scope by authorizing it to make recommendations for reducing child and youth deaths from a variety of causes, including those due to child abuse and neglect, infant mortality, suicide, homicide, and unintentional injuries. In order to make such recommendations, the Committee expects the Commission to evaluate the adequacy of current federal, state, and local resources, policies, and data collection systems with respect to child and youth deaths.

In light of concerns expressed during the hearings over the quality of research funded by the National Center on Child Abuse and Neglect, the Committee has added a number of directives and priorities. First, the Committee is highlighting the importance of long-term research by authorizing grants or contracts to be awarded for up to five years. Second, the Committee is calling for an emphasis on prevention by directing the National Center to award a majority share of its research and demonstration grants to prevention projects. Third, the Committee recognizes that within the context of prevention, demonstration projects aimed at alcohol-related child abuse and neglect, home health visitor programs, and a national parent self-help program of demonstrated effectiveness should be funded. Fourth, the Committee identifies both (1) the guardian-ad-litem program and (2) the incidence of and issues pertaining to the relationship between child abuse and children's handicapping conditions relationship as two areas for in-depth study. With regard to the study examining child abuse and children's handicapping conditions, emphasis should be placed on collecting reliable nationwide data on the incidence and needs of children with disabilities who are abused. Reports on these two studies must be made to Congress within 2 years of enactment of this Act.

Due to the numerous requests by States, agencies, organizations, and individuals for assistance, the Committee directs the Secretary to fund resource centers to serve various geographic areas. These centers are to be staffed by multidisciplinary teams with expertise in the prevention, identification, and treatment of child abuse and neglect.

Having heard from several States making good faith efforts to comply with this Act, the Committee directs the Secretary to extend State waivers on compliance with the State grant requirements through fiscal year 1988. In order to encourage compliance

with changes enacted in 1984 with respect to the care of seriously ill children, the Committee further repeals the deadline for States to have in place procedures or programs for responding to reports of medical neglect.

The Committee believes that it is important that the National Center on Child Abuse and Neglect improve its coordination with other agencies through interagency demonstration projects to train professionals and paraprofessionals in the prevention and treatment of child abuse and neglect and to improve identification, prevention and treatment efforts. An emphasis should also be placed on training programs for parents and all personnel who work with children with disabilities to prevent and treat abuse of these children. As several witnesses commented in hearings before the Subcommittee on Children, child abuse and neglect is a complex problem which demands a multidisciplinary approach. As such the Center is encouraged to develop more interagency demonstration projects. It is our belief that such efforts would improve efforts to prevent, treat and identify abuse and would leverage limited dollars more effectively.

One notable example of such an effort took place in a jurisdiction in Hawaii where funds from the Office of Maternal and Child Health and the child protective services were combined. By linking these two systems and developing a home health visitor program, reports of child abuse were reduced by 95 percent and child neglect by 85 percent. Other agencies which could be encouraged to participate in such efforts would include the Alcohol, Drug Abuse and Mental Health Administration, the National Institute on Mental Health, Office of Special Education and Rehabilitative Services, Head Start Bureau, and the Bureau of Indian Affairs.

In addition to the study of the prevalence of child abuse among children with disabilities, the Committee believes that a coordinated effort on behalf of state agencies representing the interests of the disabled child is needed. This will facilitate understanding of the correlation that exists between child abuse and children's handicapping conditions. By fostering a greater interaction between professionals in both the child abuse prevention and the developmental disabilities systems, the Committee thinks that a collaborative working relationship can be established between these existing programs to protect children with disabilities both in the home and in out-of-home placements. Some discretionary demonstration grant support from the National Center on Child Abuse and Neglect and the Administration on Developmental Disabilities could be used to promote cooperative interactions between child protection and child abuse prevention agencies and the protection and advocacy programs mandated under the Developmental Disabilities Act.

Special problems involved in protecting children from institutional abuse and neglect were highlighted by the National Center on Child Abuse and Neglect at its national conference in 1977 and through demonstration and research projects funded in subsequent years. Because of the unique problems posed by children with disabilities living in institutional settings, the Committee urges the National Center to renew its commitment to children placed in out-of-home care. The Committee suggests this could be accomplished

through encouraging training and technical assistance focused on the problems of prevention and treatment of institutional child abuse and neglect.

B. ADOPTION OPPORTUNITIES

In establishing a new demonstration grant priority aimed at increasing the placement of minority children (who are in foster care and legally free for adoption) in adoptive families, with a special emphasis on the recruitment of minority families, the Committee intends that, whenever possible, children should be placed in adoptive families with similar racial and ethnic heritage. Thus, it is appropriate that programs funded under this section place a special emphasis on the timely recruitment, assessment and processing of prospective minority adoptive families. Further, special efforts should also be taken to ensure that criteria for the selection of adoptive families do not create barriers to the selection of minority families. Finally, however, such considerations and such emphases should not result in the undue delay of the adoptive placement of a child.

Additionally, it is the Committee's intent that programs which document increases in appropriate adoptive placements under this section should be eligible for renewal grants to continue their successful adoptive placement activities. At a minimum, initial documentation should be provided to the Secretary by each program applying for funding indicating the number of minority children the agency currently has in custody who are legally free for adoption, the average over the last 3 years of the number of minority children the agency has been able to place annually, and the average over the last 3 years of the number of minority children legally freed for adoption annually. In applying for a renewal grant, at a minimum, agencies should provide to the Secretary the same information identified above, as well as the actual number of minority children placed in adoptive families during the previous funding period, and the number of minority families recruited, the number assessed, and the number with whom adoptive placements were legally finalized during that funding period. And finally, in order to promote the sharing of expertise, programs receiving funds under this section must include a component to train organizations interested in strengthening their minority adoptive placement activities.

In establishing a new demonstration grant priority to fund post-legal adoption services, the Committee recognizes adoptive families increasingly are seeking help from a variety of community organizations to cope with the "special needs" these families often experience long after the adoptive placement has occurred. The Committee intends that agencies receiving funding for the provision of post-legal adoption services retain the mission of the Adoption Opportunities program—provision of services families who have adopted special needs children. However, in recognition of the growing demand for such services by all types of adoptive families, the Committee has included two provisions to expand the availability of such services. First, programs receiving funding under this section are eligible for renewal grants to expand their post-legal adoption service program if they provide documentation to the Sec-

retary demonstrating the effectiveness of such services during the previous funding period. And second, such programs will also expand the availability of such services in the larger community by including a component to provide training for the provision of such services to other interested organizations. Finally, however, the Secretary shall assure that a reasonable proportion of the funds allocated for this section in each fiscal year are awarded for new as well as renewal grants.

Because of the continuing need to assure children in substitute care a permanent family, the Committee added a new section to strengthen agency's efforts to speed up adoptive placements for special needs children who are waitiang for adoptive families. To this end, the Committee has amended the Adoption Opportunities program to authorize the Secretary of HHS to make bonus payments to the States with adoption programs increasing the rate of placement of such children in adoptive families. The bonus amount under this section must be calculated on the basis of a percentage increase in placements over the previous year. The Committee intends that these bonus payments be used to further the legal adoption of such children through both public and private agencies. Further, the Committee intends that the State use such bonus payments exclusively for the promotion of activities authorized under this Act.

C. FAMILY VIOLENCE

By striking the original requirement that no single entity should be awarded demonstration grants for more than three fiscal years, the Committee intended simply to allow those States where no new programs exist to continue funding programs currently receiving these grants. In States where other shelters exist which have not received funding, however, it is the Committee's intent that those States should have the option of choosing which shelters to fund.

V. Regulatory Impact Statement

The Committee has determined that this bill will have little if any inflationary or regulatory impact. Some increase may occur in the flow of paperwork as a result of the mandate that the Director of the National Center on Child Abuse and Neglect establish a national data collection system. However, the Committee believes the paperwork effect of this requirement will be minimal due to the fact that most States already collect the data stipulated and will only be required to transmit it to the National Center.

VI. Votes in Committee

The bill was unanimously polled out of the Subcommittee on Children, Family, Drugs and Alcoholism on September 22, 1987. Subsequently, a Committee amendment in the nature of a substitute was unanimously approved on a voice vote by the Committee on Labor and Human Resources on October 9, 1987.

VII. Cost Estimate

U.S. Congress,
Congressional Budget Office,
Washington, DC, October 15, 1987.

Hon. Edward M. Kennedy,
Chairman, Committee on Labor and Human Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the attached cost estimate for S. 1663, the Child Abuse Prevention and Treatment Act Reauthorization of 1987, as ordered reported by the Senate Committee on Labor and Human Resources, October 9, 1987.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

James Blum
(For Edward M. Gramlich, Acting Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1663.

2. Bill title: The Child Abuse Prevention and Treatment Act Reauthorization of 1987.

3. Bill status: As ordered reported by the Senate Committee on Labor and Human Resources on October 9, 1987.

4. Bill purpose: The purpose of this bill is to amend and extend through 1991 the authorization for appropriations for programs under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention Treatment and Adoption Reform Act of 1978, and the Family Violence Prevention and Services Act. In addition, the bill would also establish a temporary commission to study and evaluate Federal, State, and local public and private resources which affect child and youth deaths.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1988	1989	1990	1991	1992
Estimated authorization levels: [1]					
Child abuse grants	48.0	55.0	60.0	66.5	.....
Temporary commission	1.0	.....	.....	.....	.....
Adoption opportunities	7.0	7.0	8.0	8.0	.....
Family violence grants	26.0	27.0	29.0	30.0	.....
Bill total:					
Estimated authorization level	82.0	89.0	97.0	104.5	.....
Estimated outlays	18.0	76.0	90.0	98.0	81.0

[1] The amounts shown are authorizations for future appropriations.

The costs of this bill fall within function 500.

Basis of estimate: S. 1663 includes authorizations at stated levels for Child Abuse Grants for fiscal years 1988 through 1991. Authorizations for Adoption Opportunities and Family Violence Grants are specified for 1988, but are for such sums as may be necessary for

1989 through 1991. Estimated levels for the such sums authorizations are the specific levels for 1988 adjusted for inflation.

S. 1663 also would establish a temporary commission to study and evaluate Federal, state, and local public and private programs that attempt to prevent child and youth deaths. In the bill, the authorization level for the commission is for such sums as may be necessary. Similar temporary commissions, however, do exist within the federal government. Estimates of the costs of the commission reflect the funding patterns of these other temporary commissions.

Authorization levels are assumed to be fully appropriated at the beginning of each fiscal year. Outlays reflect the current spending pattern of child abuse, family violence, and adoption programs.

6. Estimated cost to State and local government: To receive a family violence demonstration grant, any entity other than a state must provide 35 percent of total project funding in the first year of the grant, 55 percent in the second year, and 65 percent in the third year. States receiving funds are not required to provide funding.

7. Estimate comparison: None.

8. Previous CBO estimate: On June 5, 1987, the Congressional Budget Office prepared a cost estimate of H.R. 1900, the Child Abuse Prevention, Adoption and Family Services Act of 1987, as ordered reported by the House Committee on Education and Labor. The House bill amended and extended through 1992 the authorization for appropriations for the same programs covered under S. 1663. Under H.R. 1900, however, authorization levels for the programs were only stated for fiscal year 1988. In addition, no temporary commission was provided for in the bill.

9. Estimate prepared by: Michael Namian.

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

VIII. Section-by-Section Analysis

A. CHILD ABUSE

Section 101. Authorizes funds for the Child Abuse Prevention and Treatment program for four years, at $48,000,000 for fiscal year 1988, $55,000,000 for fiscal year 1989, $60,000,000 for fiscal year 1990, and $66,500,000 for fiscal year 1991.

Section 102. Adds two requirements governing staff qualifications at the National Center on Child Abuse and Neglect. The Director of the National Center shall have experience in the prevention and treatment of child abuse and neglect and shall be appointed by the Secretary of HHS. Additionally, the Secretary shall require that professional staff have experience in the prevention and treatment of child abuse and neglect.

Section 103. The membership of the Advisory Board of Child Abuse and Neglect is amended to include not less than 15 members or such greater number necessary to represent a majority of the Advisory Board from the general public who are knowledgeable in fields representing child abuse prevention, treatment, research, social services, judiciary and legal, medical, adolescents, parent self-help organizations, and voluntary organizations.

Further, the Advisory Board shall be responsible for advising and consulting with the Director on proposed research studies and long-range planning for the National Center on Child Abuse and Neglect.

Section 104. An additional function is added to the National Center on Child Abuse and Neglect requiring that as a part of reseach activities, a national data collection and analysis program should be established with respect to child abuse and neglect reports. This data collection must include standardized data on false, unfounded, or unsubstantiated reports and information on the number of deaths due to child abuse and neglect. The Director of the National Center will be required to submit an annual summary of this data and analysis to Congress.

Section 105. A technical correction is included to reflect the correct order of subsections changed through Public Law 98–457. Additionally, a subsection of the demonstration grant authority is changed to assure that a "majority share" of assistance for discretionary research and demonstration grants is available for activities related to the prevention of child abuse and neglect.

Section 106. Authorizes the Secretary to award longitudinal research grants or contracts for up to five years rather than three.

Section 107. Ensures that the Secretary must make a share of the demonstration grant allocation available for national resource centers addressing issues of child abuse and neglect.

Section 108. Extends waivers through the end of fiscal year 1988 to States which do not yet have in place procedures or programs to respond to reports of medical neglect, if the Secretary makes a finding that the state is making a good-faith effort.

Section 109. Authorizes the Director of the National Center on Child Abuse and Neglect to conduct a study of how individual child legal representations in cases of child abuse or neglect have been provided in each state. This study should examine the effectiveness of legal representation of children in cases of abuse or neglect through the use of guardian-ad-litem and court appointed special advocates.

Not later than 2 years after the date of enactment of this bill, the Director shall report to Congress on the study. The report must include the information and data gathered, and analysis of such information and data, and recommendations on how to improve the legal representation of children in cases of child abuse and neglect.

Section 110. Mandates that the Secretary shall provide for the establishment and maintenance of resource centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect providing advice and consultation to individuals, agencies, and organizations which request such services. Further stipulates that not more than $1,000,000 of the funds appropriated for this Act may be used to carry out this section.

Section 111. Authorizes the Director of the National Center on Child Abuse and Neglect to conduct a study of the incidence of child abuse among children with handicaps, including children in out-of-home placements, the relationship between child abuse and children's handicapping conditions, and the incidence of children

who have developed handicapping conditions as a result of child abuse or neglect.

Not later than 2 years after the date of enactment of this bill, the Director of the Center shall report to Congress on this study. The report shall include the information and data gathered, an analysis of such information and data, and recommendations on how to prevent abuse of disabled children.

Section 112. Eliminates the existing authority to fund demonstration grants for training and replaces it with a new authority to fund such grants with more of an emphasis on interagency demonstration programs.

Section 113. Repeals the deadline for States to have in place procedures or programs for responding to reports of medical neglect.

Section 114. Adds emphasis on funding demonstration projects aimed at the prevention and treatment of alcohol-related child abuse and neglect, home health visitor programs and a parent self-help program of demonstrated effectiveness which is national in scope.

Also adds a requirement that the Director of the National Center on Child Abuse and Neglect establish research and demonstration priorities to be published in the Federal Register not less than sixty days before final establishment for public comment on such priorities.

Section 115. Establishes a Presidential Commission on Child and Youth Deaths. The Commission shall be composed of 15 members, including: 2 members of the House; 2 members of the Senate; 4 representatives of State government; the chief executive officer of a State; a chief State official responsible for administering child health and mental health programs; a chief state official responsible for administering children's social services programs; a chief state official responsible for administering law enforcement programs; the Secretary of Health and Human Services; and six at large members, including representatives of community-based organizations with demonstrated expertise in the prevention and identification of child and youth deaths due to child abuse and neglect, infant mortality (including sudden infant death syndrome), suicide, homicide, and unintentional injuries.

The Commission shall study and evaluate comprehensively Federal, State, and local public and private resources which affect child and youth deaths. This study shall: (a) evaluate the adequacy and effectiveness of programs to prevent or identify child and youth deaths; (b) evaluate the effectiveness of current Federal, State, and local policies and systems aimed at appropriately identifying and collecting accurate, uniform data on child and youth deaths in a coordinated fashion; (c) evaluate the adequacy of current Federal, State, and local efforts to enable an appropriate distribution of properly trained child health, mental health, social services, protective services, education, juvenile justice and law enforcement personnel to prevent and identify child abuse and neglect; and (d) identify current resource, intergovernmental, and interagency barriers (within the Federal Government) to the health care needed to prevent high infant mortality.

The Commission shall make recommendations with respect to: (a) a national policy designed to reduce and prevent child and youth

deaths; (b) specific changes needed within Federal laws and Federal programs to achieve an effective Federal role in preventing child and youth deaths; and (c) specific changes needed to improve national data collection with respect to child and youth deaths.

Within 12 months after the date of enactment of this bill, the Commission shall prepare and transmit to the President and Congress a report describing the activities of the Commission and containing information gathered and the evaluations and recommendations required by this section.

B. ADOPTION OPPORTUNITIES

Section 201. Authorizes a new demonstration grant priority to fund programs designed to increase the placement of minority children in adoptive families, with a special emphasis on the recruitment of minority families. Additionally, programs awarded funds under this section shall be eligible to receive renewal grants if they provide documentation to the Secretary demonstrating that they have provided sufficient and appropriate placements of such children during the prior funding period. Finally, in order to replicate successful programs, agencies receiving funding under this section must include a component to train other interested organizations.

Section 202. Authorizes a new demonstration grant priority to award grants to agencies for the provision of post-legal adoption services to families who have adopted special needs children. These agencies shall be eligible for renewal grants if they demonstrate to the Secretary of HHS the effectiveness of such services during the previous funding period. Programs receiving grants under this section must also include a component to train other interested organizations in order to expand the availability of these services to as many families as possible.

Such services are defined as "an array of services provided to adoptive parents, adopted children and siblings of adopted children, following a legal adoption." Such services may include but are not limited to individual counseling, group counseling, family counseling and case management.

Section 203. Authorizes a new discretionary grant program for States to provide bonus payments for increasing the number of permanent adoptive placements for foster care children who are legally free for adoption. Payments under this section during any fiscal year shall not exceed $1,000,000; and no payment may be made under this section unless an amount in excess of $5,000,000 is appropriated for such fiscal year for this program.

Section 204. Authorizes funds for Adoption Opportunities for four years, at $7,000,000 for fiscal year 1988, and such sums as may be necessary through fiscal year 1991. Additionally, $1,000,000 each is authorized for fiscal year 1988, and such sums as may be necessary through fiscal year 1991, for the purposes of carrying out Sections 201 and 202.

C. FAMILY VIOLENCE

Section 301. Strikes the requirement that a single entity may not be awarded demonstration grants for a total period in excess of three fiscal years.

Section 302. Authorizes funds for the Family Violence Prevention and Services program for four years, at $26,000,000 for fiscal year 1988, and such sums as are necessary through fiscal year 1991.

IX. Changes in Existing Law

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Child Abuse Prevention and Treatment Act Reauthorization of 1987

SUBCHAPTER I—CHILD ABUSE PREVENTION AND TREATMENT

SEC. 2. NATIONAL CENTER ON CHILD ABUSE AND NEGLECT.

(a)(1) Establishment.—The Secretary of Health and Human Services (hereinafter referred to in this subchapter as the "Secretary") shall establish an office to be known as the National Center on Child Abuse and Neglect (hereinafter referred to in this subchapter as the "Center").

(2) The Center shall be headed by a Director who shall have experience in child abuse and neglect and shall be appointed by the Secretary.

(b) Functions.—The Secretary, through the Center, shall—

(1) Annual research summary * * *

* * * * * * *

(9) Reports.—In consultation with the Advisory Board on Child Abuse and Neglect, annually prepare reports on efforts during the preceding two-year period to bring about coordination of the goals, objectives, and activities of agencies and organizations which have responsibilities for programs and activities related to child abuse and neglect, and, not later than March 1, 1985, and March 1 of each second year thereafter, submit such a report to the appropriate Committees of the Congress[.]*; and*

(10) not later than two years after the first fiscal year for which funds are obligated under section 1404A of the Victims of Crime Act of 1984, the Secretary shall—

"(A) evaluate the effectiveness of assisted programs in achieving the objectives of section 4(d); and

"(B) submit a report to the appropriate committees of the Congress of such evaluation and of technical assistance in achieving the objectives of such section provided to the States through the National Center on Child Abuse and Neglect[.]*; and*

(11) as a part of research activities, establish a national data collection and analysis program with respect to State child abuse and neglect reports which shall include—

"(A) standardized data on false, unfounded, or unsubstantiated reports; and

"(B) information on the number of deaths due to child abuse and neglect.

The Secretary shall establish research *and demonstration* priorities for making grants or contracts under clause (5) of this subsection and, not less than sixty days before establishing such priorities, shall publish in the Federal Register for public comment a statement of such proposed priorities.

The Director shall submit an annual summary of the data collected and an analysis of such data under clause (11) to the appropriate committees of Congress.

(c) GRANT AND CONTRACT AUTHORITY.—The functions of the Secretary under subsection (b) of this section may be carried out either directly or by way of grant or contract. Grants may be made under subsection (b)(5) of this section for periods of not more than [three] *five* years. Any such grant shall be reviewed at least annually by the Secretary, utilizing peer review mechanisms to assure the quality and progress of research conducted under such grant.

(d) STAFF AND RESOURCE AVAILABILITY TO CENTER.—The Secretary shall make available to the Center such staff and resources as are necessary for the Center to carry out effectively its functions under this subchapter.

The Secretary shall require that professional staff have experience in child abuse and neglect.

(e) No funds appropriated under this Act for any grant or contract may be used for any purpose other than that for which such funds were specifically authorized.

* * * * * * *

SEC. 4. DEMONSTRATION PROGRAMS AND PROJECTS.

(a) GRANTS AND CONTRACTS; SCOPE OF ACTIVITIES.—The Secretary, through the Center, is authorized to make grants to, and enter into contracts with, public agencies or nonprofit private organizations (or combinations thereof) for demonstration or service programs and projects designed to prevent, identify, and treat child abuse and neglect. Grants or contracts under this subsection may be—

[(1) for training programs for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of the prevention, identification, and treatment of child abuse and neglect; and training programs for children, and for persons responsible for the welfare of children, in methods of protecting children from child abuse and neglect;]

(1) for training programs (including interagency demonstration programs) for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect and in treating and preventing abuse of children with handicaps, and training programs (including interagency demonstration programs) for children, and for persons responsible for the welfare of children, in methods of protecting children from child abuse and neglect;

[(2) for the establishment and maintenance of centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect cases, to provide a broad range of services related to child abuse and neglect, in-

cluding direct support and supervision of satellite centers and attention homes, as well as providing advice and consultation to individuals, agencies, and organizations which request such services;]

[(3)] *(2)* for furnishing services of teams of professional and paraprofessional personnel who are trained in the prevention, identification, and treatment of child abuse and neglect cases, on a consulting basis to small communities where such services are not available; and

[(4) for such other innovative programs and projects, including programs and projects for parent, self-help, and for prevention and treatment of drug-related child abuse and neglect, that show promise of successfully preventing or treating cases of child abuse and neglect as the Secretary may approve.]

(3) for such other innovative programs and projects including programs and projects for parent self help, for prevention and treatment of alcohol and drug-related child abuse and neglect, and for home health visitor programs, that show promise of successfully preventing and treating cases of child abuse and neglect and for a parent self-help program of demonstrated effectiveness which is national in scope, as the Secretary may approve.

(b) GRANTS TO STATES; QUALIFICATIONS FOR ASSISTANCE; REDUCTION OF AWARDS; COMPLIANCE OF SOCIAL SECURITY PROVISIONS WITH CERTAIN REQUIREMENTS.—(1) The Secretary, through the Center, is authorized to make grants to the States for the purpose of assisting the States in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs.

(2) In order for a State to qualify for assistance under this subsection, such State shall—

(A) * * *

* * * * * * *

(K) [within one year after the date of the enactment of the Child Abuse Amendments of 1984,] have in place for the purpose of responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for (i) coordination and consultation with individuals designated by and within appropriate health-care facilities, (ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), and (iii) authority, under State law, for the State child protective service system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.

If a State has failed to obligate funds awarded under this subsection within eighteen months after the date of award, the next

award under this subsection made after the expiration of such period shall be reduced by an amount equal to the amount of such unobligated funds unless the Secretary determines that extraordinary reasons justify the failure to so obligate.

(3)(A) Subject to [subparagraph (B)] *subparagraph (C)* of this paragraph, any State which on October 9, 1984, does not qualify for assistance under this subsection may be granted a waiver of any requirement under paragraph (2) of this subsection—

(i) for a period of not more than one year, if the Secretary makes a finding that such State is making a good-faith effort to comply with any such requirement, and for a second one-year period if the Secretary makes a finding that such State is making substantial progress to achieve such compliance; or

(ii) for a nonrenewable period of not more than two years in the case of a State the legislature of which meets only biennially, if the Secretary makes a finding that such State is making a good-faith effort to comply with any such requirement.

(B) Subject to subparagraph (C) of this paragraph, any State whose waiver under subparagraph (A) expired as of the end of fiscal year 1986 may be granted an extension of such waiver, if the Secretary makes a finding that such State is making a good-faith effort to comply with the requirements under paragraph (2) of this subsection—

(i) through the end of fiscal year 1988; or

(ii) in the case of a State the legislature of which meets only biennially, through the end of fiscal year 1989 or the end of the next regularly scheduled session of such legislature, whichever is earlier.

[(B)] *(C)* No waiver under subparagraph (A) *or (B)* may apply to any requirement under paragraph (2)(K) of this subsection.

(4) Programs or projects related to child abuse and neglect assisted under part B of title IV of the Social Security Act [42 U.S.C. 620 et seq.] shall comply with the requirements set forth in clauses (B), (C), (E), (F), and (K) of paragraph (2).

(c) ADDITIONAL GRANTS TO STATES; PURPOSE; TRAINING AND TECHNICAL ASSISTANCE; INFORMATION AND RESOURCE CLEARINGHOUSES; USE OF FUNDS.—

(1) * * *

* * * * * * *

(3)(A) The Secretary shall provide, directly or through grants or contracts with public or private nonprofit organizations, for the establishment and maintenance of resource centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect providing advice and consultation to individuals, agencies, and organizations which request such services.

(B) Not more than $1,000,000 of the funds appropriated for any fiscal year under section 5 of this Act may be used to carry out this paragraph.

(d) * * *

[(d)] *(e)* PROHIBITION OF ASSISTANCE FOR CONSTRUCTION OF FACILITIES; LEASE OR RENTAL AND ALTERATION OR REPAIR OF FACILITIES.—Assistance provided pursuant to this section shall not be available for construction of facilities; however, the Secretary is authorized to supply such assistance for the lease or rental of facilities where adequate facilities are not otherwise available, and for repair or minor remodeling or alteration of existing facilities.

[(e)] *(f)* CRITERIA FOR EQUITABLE DISTRIBUTION OF ASSISTANCE.—The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this section among the States, among geographic areas of the Nation, and among rural and urban areas. To the extent possible, citizens of each State shall receive assistance from at least one project under this section.

[(f)] *(g)* AVAILABILITY OF ASSISTANCE FOR PREVENTION OF CHILD ABUSE AND NEGLECT.—The Secretary, in consultation with the Advisory Board on Child Abuse and Neglect, shall ensure that a [proportionate share of assistance] *majority share of assistance for discretionary research and demonstration grants* under this subchapter is available for activities related to the prevention of child abuse and neglect.

[(f)] *(h)* "STATE" DEFINED.—For the purpose of this section, the term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam and the Trust Territories of the Pacific.

(i) The Secretary in consultation with the Director, shall ensure that a share of assistance under this title is available for national resource centers addressing issues of child abuse and neglect.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS AND FUNDING REQUIREMENTS FOR CHILD ABUSE AND NEGLECT AND SEXUAL ABUSE PROGRAMS OR PROJECTS.

There are hereby authorized to be appropriated for the purposes of this subchapter $15,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and for the succeeding fiscal year, $25,000,000 for the fiscal year ending September 30, 1978, $27,500,000 for the fiscal year ending September 30, 1979, and $30,000,000 each for the fiscal years ending September 30, 1980, and September 30, 1981, respectively. There are hereby further authorized to be appropriated for the purposes of this subchapter $33,500,000 for fiscal year 1984, $40,000,000 for fiscal year 1985, $41,500,000 for fiscal year 1986, and $43,100,000 for fiscal year 1987.

There are further authorized to be appropriated for purposes of this Act $48,000,000 for fiscal year 1988, $55,000,000 for fiscal year 1989, $60,000,000 for fiscal year 1990, and $66,500,000 for fiscal year 1991.

Of the funds appropriated for any fiscal year under this section except as provided in the succeeding sentence, (A) not less than $9,000,000 shall be available in each fiscal year to carry out section 5103(b) of this title (relating to State grants), (B) not less than $11,000,000 shall be available in each fiscal year to carry out sections 5103(a) (relating to demonstration or service projects), 5101(b)(1) and 5101(b)(3) (relating to information dissemination), 5101(b)(5) (relating to research), and 5103(c)(2) (relating to training,

a technical assistance, and information dissemination) of this title, giving special consideration to continued funding of child abuse and neglect programs or projects (previously funded by the Department of Health and Human Services) of national or regional scope and demonstrated effectiveness, (C) $5,000,000 shall be available in each such year for grants and contracts under section 5103(a) of this title for identification, treatment, and prevention of sexual abuse, and (D) $5,000,000 shall be available in each such year for the purpose of making additional grants to the States to carry out the provisions of section 5103(c)(1) of this title. With respect to any fiscal year in which the total amount appropriated under this section is less than $30,000,000, funds shall first be available as provided in clauses (A) and (B) in the preceding sentence and of the remainder one-half shall be available as provided for in clause (C) and one-half as provided for in clause (D) in the preceding sentence.

SEC. 6. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

(a) APPOINTMENT; MEMBERSHIP; REPRESENTATION FROM FEDERAL AGENCIES AND GENERAL PUBLIC; FUNCTIONS.—The Secretary shall, within sixty days after January 31, 1974, appoint an Advisory Board on Child Abuse and Neglect (hereinafter referred to as the "Advisory Board"), which shall be composed of representatives from Federal agencies with responsibility for programs and activities related to child abuse and neglect[, and not less than three members from the general public with experience or expertise in the field of child abuse and neglect], *and not less than 15 members or such greater number necessary to represent a majority of the Advisory Board from the general public who are knowledgeable in fields representing child abuse prevention, treatment, research, social services, judiciary and legal, medical, adolescents, parent self-help organizations, and voluntary organizations.* The Advisory Board shall meet at least every six months. The Advisory Board shall assist the Secretary in coordinating programs and activities related to child abuse and neglect planned, administered, or assisted under this subchapter with such programs and activities planned, administered, or assisted by the Federal agencies whose representatives are members of the Advisory Board in order to prevent unnecessary duplication of such programs, to ensure efficient allocation of resources, and to assure that programs effectively address all aspects of the child abuse problem. The Advisory Board shall also assist the Secretary in the development of Federal standards for child abuse and neglect prevention and treatment programs and projects. The Advisory Board may be available, at the Secretary's request, to assist the Secretary in coordinating adoption-related activities of the Federal Government.

The Advisory Board shall be responsible for advising and consulting with the Director on proposed research studies and long-range planning for the Center.

* * * * * * *

SUBCHAPTER II—ADOPTION OPPORTUNITIES

* * * * * * *

SEC. 203. INFORMATION AND SERVICE FUNCTIONS BY APPROPRIATE ADMINISTRATIVE ARRANGEMENT; ESTABLISHMENT IN DEPARTMENT OF HEALTH AND HUMAN SERVICES; IMPLEMENTATION AUTHORITIES.

(a) * * *

(b) In connection with carrying out the provisions of this subchapter, the Secretary shall—

(1) * * *

* * * * * * *

(5) provide (directly or by grant to or contract with public or private nonprofit licensed child welfare or adoption agencies or adoptive family groups and community-based organizations with experience in working with minority populations) for the provision of programs aimed at increasing the number of minority children (who are in foster care and have the goal of adoption) placed in adoptive families, with a special emphasis on recruitment of minority families subject to the following conditions:

(A) such grants or contracts may be renewed if documentation is provided to the Secretary demonstrating that appropriate and sufficient placements of such children have occurred during the previous funding period; and

(B) such grants or contracts shall include provisions for training other interested organizations to replicate such programs;

(6) provide (directly or by grant to or contract with public or private nonprofit licensed child welfare or adoption agencies or adoptive family groups) for the provision of post legal adoption services for families who have adopted special needs children subject to the following conditions:

(A) such documentation is provided to the Secretary demonstrating the effectiveness of such services during the previous funding period;

(B) such grants or contracts shall include provisions for training other interested organizations to replicate such programs; and

(C) as used in this subsection, the term "post legal adoption services" means an array of services provided to adoptive parents, adopted, children and siblings of adopted children, following a legal adoption, which may include but not be limited to individual counseling, group counseling, family counseling and case management;

[(5)] *(7)* encourage involvement of corporations and small businesses in supporting adoption as a positive family-strengthening option, including the establishment of adoption benefit programs for employees who adopt children;

[(6)] *(8)* continue to study the nature, scope, and effects of the placement of children in adoptive homes (not including the homes of stepparents or relatives of the child in question) by persons or agencies which are not licensed by or subject to regulation by any governmental entity; and

[(7)] *(9)* consult with other appropriate Federal departments and agencies in order to promote maximum coordination of the services and benefits provided under programs car-

ried out by such departments and agencies with those carried out by the Secretary, and provide for the coordination of such aspects of all programs within the Department of Health and Human Services relating to adoption.

SEC. 204. STUDY AND REPORT OF UNLICENSED OR UNREGULATED ADOPTION PLACEMENTS.

The Secretary shall provide for a study (the results of which shall be reported to the appropriate committees of the Congress not later than eighteen months after April 24, 1978) designed to determine the nature, scope, and effects of the interstate (and, to the extent feasible, intrastate) placement of children in adoptive homes (not including the homes of stepparents or relatives of the child in question) by persons or agencies which are not licensed by or subject to regulation by any governmental entity.

SEC. 205. PROGRAM TO INCREASE THE NUMBER OF PERMANENT PLACEMENTS OF CHILDREN LEGALLY FREE FOR ADOPTION.

(a) The Secretary is authorized to enter into agreements with each State to provide bonus payments as provided in subsection (b) for the purpose of increasing the number of permanent placements of children who are legally free for adoption as of August 1, 1987.

(b) For each fiscal year, the Secretary shall pay (subject to the provisions of section 206) to each State an amount based on the increase in the percentage of placements of children legally free for adoption from the second preceding fiscal year to the preceding fiscal year.

(c) Each State entering into an agreement under this section shall submit an application to the Secretary for each fiscal year in a form and manner determined to be appropriate by the Secretary. Each application shall include verification of the placements described in subsection (a).

(d)(1) Payments under this section shall begin during fiscal year 1989. Payments under this section during any fiscal year shall not exceed $1,000,000. No payment may be made under this section unless an amount in excess of $5,000,000 is appropriated for such fiscal year under section 206(a) of this Act.

(2) Any payment made to a State under this section which is not used by such State for the purpose provided in subsection (a) during the fiscal year payment is made shall revert to the Secretary on October 1st of the next fiscal year and shall be used to carry out the purposes of this Act.

SEC. [205] *206.* AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1978, such sums as may be necessary for the succeeding three fiscal years, and $5,000,000 for each of the fiscal years 1984, 1985, 1986, and 1987, to carry out this subchapter. *There are authorized to be appropriated $7,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out this Act.*

(b) There are authorized to be appropriated $1,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 203(b)(5). There are authorized to be appropriated $1,000,000 for fiscal year

1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 203(b)(6).

* * * * * * *

SEC. 303. STATE DEMONSTRATION GRANTS AUTHORIZED.

(a) AUTHORITY OF SECRETARY; APPLICATION; REQUIREMENTS; APPROVAL.—(1) * * *

* * * * * * *

(3) The Secretary shall approve any application that meets the requirements of this subsection, and the Secretary shall not disapprove any such application except after reasonable notice of the Secretary's intention to disapprove and after opportunity for correction of any deficiencies.

(b) INDIAN TRIBES AND TRIBAL ORGANIZATIONS; APPLICATION.—(1) The Secretary is authorized to make demonstration grants to Indian tribes and tribal organizations for projects designed to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents.

(2) No demonstration grant may be made under this subsection unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this chapter. Such application shall comply, as applicable, with the provisions of clauses (C) (with respect only to involving knowledgeable individuals and organizations), (D), and (E) of subsection (a)(2) of this section.

(c) FUNDING LIMITATIONS.—No demonstration grant may be made under this section in any fiscal year to any single entity (other than to a State) for an amount in excess of $50,000, and the total amount of such grants to any such single entity may not exceed $150,000. [A single entity may not be awarded demonstration grants under this section for a total period in excess of three fiscal years.]

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SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated to carry out the provisions of this chapter $11,000,000 for fiscal year 1985 and $26,000,000 for each of the fiscal years 1986 and 1987[.], *and $26,000,000 for fiscal year 1988, and such sums as are necessary for fiscal years 1989, 1990, and 1991.*

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